

REMARKS

In the Office Action dated June 5, 2008, the Examiner rejects claims 19 through 27 under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 6,606,748 to Tomioka et al. (“Tomioka”) in view of U.S. Patent No. 5,818,441 to Throckmorton et al. (“Throckmorton”). Applicant respectfully disagrees and submits that Tomioka and Throckmorton, either alone or in combination, fail to teach or suggest all of the claimed elements recited herein. For at least the reasons set forth below, Applicant respectfully submits that all pending claims are allowable and respectfully request withdrawal of the rejection of claims 19 through 27.

Applicant previously noted Tomioka’s failure to teach or suggest the claimed “other event,” which “is a subsidiary event that provides the viewer with additional multimedia data that enhances” the original event. The Examiner agreed with Applicant’s position, withdrawing the rejection and subsequently asserting Throckmorton as curing this deficiency. Applicant respectfully disagrees.

Applicant previously noted Tomioka’s failure to teach or suggest the claimed “procedure to change the at least one other event.” In response, the Examiner states, “in the example provided in Tomioka (col. 20, lines 45-60), the event in question is the program “Monday [N]ight Movie”, and the at least one other event is the succeeding program, “News Summary”.” Although “News Summary” is a succeeding program that the Examiner characterizes as the “at least one other event,” the succeeding program is not the “at least one other event,” as claimed. The claimed “at least one other event” relates to “a subsidiary event that provides a viewer with additional multimedia data that enhances the event.” The Examiner fails to address the concept of the “procedure to change the at least one other event” element as a

whole. Instead, the Examiner addresses the “procedure to change the at least one other event” as changing another channel program, instead of the claimed subsidiary event.

The Examiner states that “Throckmorton discloses a multimedia distribution system wherein additional content is associated with primary content, said additional content is subsidiary content that provides the viewer with additional multimedia data that enhances said primary content, enhancing the utility of the primary content stream to a user (col. 3 lines 55-67).” The Examiner, however, then makes the assumption that the “subsidiary content” of Throckmorton is the claimed subsidiary event. According to Throckmorton, the “subsidiary content” refers to associated data. This associated data is combined with a primary data stream by means of a sequencer 14 (Column 5, ll. 19-23), which monitors the output from primary data stream sub-system 10 to obtain the information necessary to sequence transmission of associated data (Column 5, ll. 24-26). This associated data is not identified by Throckmorton as being a subsidiary event. Indeed, the associated data of Throckmorton is only retrieved when the sequencer is informed by the primary data stream to retrieve the associated data, as opposed to changing a subsidiary event as a result of changing an event, as claimed.

In the previous Office Action, the Examiner states that one having ordinary skill in the art would have been motivated to “include at least one other event is a subsidiary event that provides the viewer with additional multimedia data that enhances said event.” It would not have been obvious at the time of the invention to a person of ordinary skill in the art, however, to recognize the associated data as an event or a subsidiary event, as is presently claimed by the Applicant. Such a conclusion is a result of hindsight on part of the Examiner. The method of synchronizing the associated data with the primary data stream is performed by the sequencer, as discussed by Throckmorton. Such a method would not require the associated data to be

categorized as a subsidiary event since the sequencer mixes a primary data stream with associated data upon broadcast delivery. The Examiner's interpretation of Throckmorton also fails to appreciate that events need to be allocated to appropriate time blocks. Allocation of event time blocks in Throckmorton is not necessary for the associated data since the sequencer retrieves the associated data upon cue instead of scheduling the associated data as an event on a specific time block.

Even if the associated data was recognized to be the claimed subsidiary event, the combination of Throckmorton with that of Tomioka would not produce the same results as those of the presently claimed invention, rendering the combination that the Examiner proposes inoperable. Specifically, the programming environment of Tomioka does not allow for a combination of subsidiary events as each program event is assigned a block of time where no two program events can be assigned to a same block of time on the same given channel (Figure 6 and column 20, ll. 45-65). The addition of a subsidiary event to Tomioka would only result in displaying the associated content at a different time slot than from the main program, thereby defeating the purpose of enhancing the original program and making little sense to the viewing audience.

In addition to the foregoing, the attribute data for altering starting points and durations in Tomioka cannot distinguish a regular programming event from a subsidiary event. The attribute data of Tomioka simply shifts or adjusts a subsidiary event in the same manner as if it was another regular program event. For example, when the duration of "Monday Night Movie" has been increased by 15 minutes, the starting time point of the succeeding program "News Summary" is delayed by 15 minutes. If the combination of subsidiary event was

introduced, the subsidiary event would be the succeeding program instead of "News Summary" and the subsidiary event will be delayed by 15 minutes.

Applicants have conducted a thorough review of Tomioka and Throckmorton and respectfully assert that Tomioka and Throckmorton, considered alone or in combination with the prior art of record, do not teach or suggest at least "executing the procedure to change the at least one other event in response to identifying the procedure upon inspecting the second table."

Accordingly, Applicants respectfully request withdrawal of the rejection of independent claims 19, 23 and 27 and allowance of the same. Claims 20 through 22 and 24 through 26 depend from independent claims 19 and 23, respectively, and recite additional patentable subject matter.

Claims 20 through 22 and 24 through 26 are therefore allowable for at least the same reasons stated above regarding independent claims 19 and 23.

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the Examiner is invited to call the Applicant's undersigned representative to discuss any issues relating to this application.

Dated: October 6, 2008

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE EFS
FILING SYSTEM ON October 6, 2008.

Respectfully submitted,



Nikitas E. Nicolakis
Reg. No. 60,613
DREIER LLP
499 Park Ave.
New York, New York 10022
Tel : (212) 328-6100
Fax: (212) 328-6101

Customer Number: 61834